

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(113)

CWP-9053-2019

Date of Decision: April 04, 2019

Dalip Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Malik, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present writ petition, the grievance which is being raised by the petitioner is that the petitioner served the respondents from 01.04.1998 till 31.03.1999 and for the said complete one year, the petitioner was entitled for the increment which should have been added to salary of the petitioner while computing the pensionary benefits but the same was not done on the ground that the petitioner retired on 31.03.1999 and the increment cannot be granted to the petitioner that when the same was to be granted on 01.04.1999, petitioner has already retired.

Learned counsel for the petitioner states that for the claim of increment, the petitioner had already served the respondents with a legal notice dated 07.01.2019 (Annexure P-2) and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondents to decide the legal notice dated 07.01.2019 (Annexure P-2) by passing an appropriate speaking order.

Without commenting upon the merits of the case or about the entitlement of the petitioner for the relief which has been claimed by him in the legal notice dated 07.01.2019 (Annexure P-2), the present writ petition

is disposed of with a direction to the respondents to decide the legal notice dated 07.01.2019 (Annexure P-2) within a period of three months from the receipt of certified copy of this order.

In case, it is found that the petitioner is entitled for any monetary benefits after the decision of the legal notice, the same should also be paid to him within three months thereafter.

However, it is made clear that as the petitioner retired in the year 1999 and has approached this Court after a period of twenty years and delay has not been explained in any manner, in case the respondents found that the petitioner is entitled for the benefit, the arrears will only be restricted to three years, 2 months before the filing of the present writ petition.

April 04, 2019
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No